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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twentieth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29th April 1999, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

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The meeting was called to order at 3.10 p.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 7) (continued)

Follow-up to the Expert Group Meeting on Practical Aspects of the Human Right to Adequate Housing (Habitat/OHCHR, Geneva, 9-11 March 1999)

1. The CHAIRPERSON introduced Mr. Lars Ludvigsen, representative of the United Nations Centre for Human Settlements (Habitat) at Geneva, to speak about follow-up to the practical aspects of a human rights approach to housing.

2. Mr. LUDVIGSEN (Habitat) said that the Secretary-General's recent reforms, emphasizing the economic and social aspects of the realization of human rights and initiating system-wide activities to that end, had strengthened the human rights approach to the development work of the United Nations. Habitat's focus was the right to adequate housing, which greatly contributed to the improvement of living conditions, particularly in low-income settlements.

3. Around 1 billion people worldwide were inadequately housed, 10 per cent of them actually homeless. In many cities of the developing world, up to one half of the urban population lived in informal or squatter settlements without legal recognition, basic services or security of tenure. Residents lived in constant fear of forced evictions and most had no access to formal finance or loan schemes to improve their housing situation and conditions. Those statistics formed the background of the expert group meetings held jointly with the Office of the High Commissioner for Human Rights (OHCHR) and with UNICEF. Habitat's collaboration with the OHCHR had clarified the fundamental question of the existence and legal status of the human right to housing, a decisive breakthrough in the debate. He also wanted to express Habitat's thanks for the remarkable work done over the years by the Committee on Economic, Social and Cultural Rights and its former Chairperson, Mr. Alston, on the right to housing.

4. The Second United Nations Conference on Human Settlements (Habitat II), held in 1996, in addition to reaffirming the legal status of the human right to adequate housing, had clarified governmental responsibilities and actions necessary for the full and progressive realization of that right. The global action plan (the Habitat Agenda) considered human rights in general as the indivisible and fundamental component of the economic and social development process. It also incorporated the results of the "Women in Development Agenda", and stressed the realization of the "Rights of the Child". As a follow-up to Habitat II, a joint programme had been called for between Habitat and the United Nations Centre for Human Rights, in order to assist States with the implementation of their commitments to ensure the full and progressive realization of the right to adequate housing.

5. There was a cluster of activities in Habitat's 1998-99 work programme to fulfil those mandates, and the report of the Expert Group Meeting on Practical Aspects of the Human Right to Adequate Housing, entitled "Guidelines on practical aspects in the realization of the human right to adequate housing

including the formulation of the United Nations Housing Rights Programme", would be submitted to the seventeenth session of the Commission on Human Settlements (Nairobi, 5-14 May 1999), and to the Commission on Human Rights as a reference document.

6. The objective of the Expert Group Meeting, attended by representatives of the Committee on Economic, Social and Cultural Rights, had been to assess and analyse practical aspects in the realization of the human right to adequate housing, and to evaluate how those areas could effectively be addressed by governmental authorities, organizations of civil society and the international community. The meeting had also provided recommendations on the formulation of a joint Housing Rights Programme by Habitat and the OHCHR. He trusted that the four primary practical aspects established at that meeting would be highlighted by the Committee's rapporteur. The meeting had emphasized the important roles and responsibilities of the international community, particularly the positive and negative roles played by international financial institutions. Relevant intergovernmental organizations and agencies needed to carry out measures explicitly supporting the mainstreaming of housing rights concerns.

7. The Expert Group Meeting had encouraged the prioritization of 10 key issues during the initial stages of the Habitat-OHCHR support for national and local actions: the integration of a gender perspective into all United Nations Housing Rights Programme (UNHRP) activities; the appointment by the United Nations Commission on Human Rights of a special rapporteur on housing rights; the adoption of the Comprehensive Human Rights Guidelines on Development-Based Displacement; research and publication of a compilation of national-level legislation relating to housing rights; joint activities between Habitat and the OHCHR in the form of a pilot programme within one of the existing human rights field operations; development of effective responses to violations of the right to adequate housing and the prevention of such violations; development of a monitoring system to assist countries in the formulation of their own benchmarks to assess progress achieved; a rights-based approach permeating all the activities of Habitat; strengthened emphasis by the OHCHR on the human right to adequate housing; and the promotion of cooperation with partners such as research institutions, civil society organizations, the academic community, local authorities, bilateral and multilateral donors and other international or intergovernmental institutions.

8. Habitat was currently undergoing a fundamental process of revitalization, and reviewing its position, role and comparative advantage within the United Nations priority areas of economic and social development and development cooperation. Clearly, Habitat's mandate was very wide, yet despite its new role as the focal point for implementing the Habitat Agenda, its resource base remained very narrow. The revitalization had therefore focused on defining a limited set of strategic objectives for the future work of the Centre. Subject to approval by the Commission on Human Settlements in May, the Centre's work over the next few years would focus on two major campaigns to assist countries in implementing the broad action areas "Adequate shelter for all" and "Sustainable human settlements development in an urbanizing world". They would be tackled by the launch of global campaigns on, respectively, secure tenure and urban governance.

9. Security of tenure was a fundamental requirement for the progressive integration of the urban poor, and a component of the right to housing. Tenure could include home ownership, rental accommodation (public and private), cooperative housing, and squatter settlements. Security of tenure guaranteed legal protection against forced evictions, harassment and other threats, and led to improved living standards: countless examples proved that people given security of tenure invested in the improvement of their homes and neighbourhoods. Secure tenure was therefore an important catalyst in stabilizing communities, improving shelter conditions, reducing social exclusion, improving access to urban services, leveraging corporate and individual investment and improving the urban environment.

10. Habitat would be developing a range of mechanisms (both normative and operational) to facilitate the physical and social consolidation of secure tenure. The first cluster of policies, skills and activities would focus on the promotion of efficient land markets; including policy instruments to facilitate security of tenure and legislative guidelines, and technical components such as cadastral registration of urban land, registration of titles and systems of record-keeping. The second cluster would focus on improving conditions by strengthening the capacity of local authorities to work with community-based organizations, mobilizing housing finance and micro-credit, and technical issues such as building materials and methods and the promotion of small-scale enterprises. The third cluster would deal with access to infrastructure and urban services, particularly the provision of potable water. Emphasis would be placed on building strategic and operational partnerships between different levels of government, the private sector, and non-governmental and community-based organizations.

11. A round table on housing rights and secure tenure was to be organized by Habitat in collaboration with OHCHR and organizations of civil society active in the field of housing rights. Its objectives were to air stakeholders' views on the housing rights realization process with specific focus on promoting security of tenure, and to solicit inputs to the initiation of the global campaign on secure tenure and the formulation of the Housing Rights Programme.

12. The round table would focus primarily on the four key areas of practical aspects of the realization process elaborated at the Expert Group Meeting, and was expected to generate increased momentum in addressing those issues. It would also seek answers to practical questions, such as how to bring financial resources to the housing sector and increase access of the poor to affordable housing and services; how to promote security of tenure for the poor and vulnerable groups; how to reduce and eliminate forced evictions; how to manage relocation actions without extensively damaging the people affected; how to facilitate and strengthen the access of vulnerable groups and the poor to legal and other remedies; and how to identify the most effective measures to assist homeless people in the short and long term.

13. Mr. RIEDEL, commenting that Mr. Ludwigsen had satisfactorily highlighted the key points of the meeting, said he would concentrate on the main areas of convergence between the broad approach of Habitat and the narrower mandate of the Committee, including areas on which to concentrate future joint efforts. There were, in fact, seven or eight important areas which touched on the right

to adequate housing and improvement of living conditions. The International Covenant on Economic, Social and Cultural Rights had probably the shortest reference of any relevant international instrument, but behind that one word "housing" (article 11.1) lay a small universe of implications, which was why it was so important to isolate some of the areas of convergence. The four main ones were: promoting equal and affordable access to housing resources; provision of security of tenure and prevention of forced evictions; promoting the rights of homeless people and combating homelessness; and legal and other remedies.

14. He had taken those four areas as a starting point, since those were the key areas always addressed during the Committee's dialogues with Governments on the issue of housing. It would therefore be extremely useful if cooperation with other United Nations bodies could be extended in the future, leading to the establishment of indicators and benchmarks, more clearly focused questions to be put to member States and, ultimately, amendments to guidelines, or even a General Comment on housing rights at a later stage.

15. The promotion of equal and affordable access to housing resources had been only one of many issues addressed at the meeting. The High Commissioner for Human Rights, Mary Robinson, had spoken at the opening of the meeting about security of tenure, availability of services, building materials and infrastructures, affordability, habitability, accessibility, adequate location of housing in terms of access to employment options (a vitally important issue) and cultural adequacy, i.e. diversity of housing modalities. The meeting had then narrowed the key areas down to the four points already cited, including equal and affordable access to housing facilities, habitability issues, and access to employment options (close proximity to housing). A lot of attention had been given to the intricate problems of security of tenure and to adequate responses to and the prevention of forced evictions. General Comment No. 7 relating to forced evictions had been discussed, as well as the problem of homelessness.

16. As a lawyer, he had been particularly interested by the discussion on equal access to justice and remedies, covering such points as the extent to which local authorities were obliged to give advice regarding the housing situation for those seeking accommodation; advice by NGOs; the existence of petition systems; and the role of mediators and ombudsmen at the national level with regard to remedies available domestically. The meeting had also touched on the institution of tribunals or courts of law and the elaboration of international human rights law standards as interpretive aids for decision makers at the local, regional and national level. The visit by members of the Committee to the Dominican Republic had been cited as an example of on-site visits, and their potential usefulness to certain countries which voluntarily agreed to such a procedure.

17. The non-lawyers present had contributed the idea of development aid strategies with reference to areas such as rebuilding programmes in post-conflict situations like Bosnia and Herzegovina. They had suggested studying the incentives given to refugees to return to their former homes and how they affected the relationship between refugees and those who had remained

in situ during the conflict, and how issues of resentment could be overcome. The participation of NGOs and civil society in that context had also been discussed. He highlighted the importance of NGOs, which could help in elucidating human rights standards in specific areas of implementation and realization. Other important issues regarding access to justice and remedies were the provision of legal aid, community advice centres and, particularly in rural areas, where legal advice was not easily available, the provision of more affordable legal advice by "paralegals".

18. The question of funding and donor institutions had been raised, with particular emphasis on the fact that NGOs doing excellent work in the housing field had extreme difficulty obtaining access to adequate financial support, in order, inter alia, to provide human rights institutions with information; that was a matter which required attention. Human rights education had been singled out as an extremely important factor and it had been felt that the approach of Habitat and the human rights institutions should be coordinated in that regard. Detailed facts were hard to come by in housing issues, and it had therefore been suggested that clusters of NGOs should work together in making recommendations to the human rights institutions dealing with housing problems.

19. Finally, the meeting had considered the idea of drawing up model laws as parameters which could be used, differentiated according to regions, to help States set up the necessary services and approaches and draw up their own national or regional documents in those fields. The approach of model laws for national application, and framework conventions, declarations or guidelines at the international level had been discussed and found to be useful.

20. In conclusion, the four key areas of affordability, security of tenure, homelessness and legal remedies had been judged to be the areas where future cooperation should initially be concentrated. He personally felt that such collaboration would enhance the work of the Committee when addressing national reports on the housing situation in countries under consideration.

21. Mrs. JIMENEZ BUTRAGUEÑO pointed out that no one had mentioned the specific right of elderly people to housing. That was a problem in all cities, since the elderly faced obstacles in gaining access to and being able to leave their accommodation. The issue was particularly important in 1999, the United Nations Year of the Elderly. Other specific interest groups had been mentioned such as women and children but attention should also be focused on the complaints made by the elderly and disabled.

22. Mr. ANTANOVICH said that the three basic rights enshrined in the Covenant, i.e. to food, education and housing, were all of equal value. In the current debate the main concern was with the capacities of Governments to implement the right to housing. The issue of securing access to legal rights to adequate housing was of particular importance, especially that of promoting the right to equal and affordable access to housing resources. In that regard, the issue of technical assistance was rarely raised. It was necessary to ascertain whether a research and development programme was being conducted by Habitat, or another United Nations agency, offering new materials at

affordable prices and greater technical possibilities to facilitate the construction of adequate housing. New and useful approaches could be developed through technical assistance.

23. Mr. GRISSA said that the right to housing varied between countries. In some the problems of rapid population growth, urbanization and mass migration from rural areas exerted considerable strains on the economic environment in supporting such rights. For example, in Africa land was commonly owned by individual tribes, which enabled anyone to build a house. Urban areas were experiencing acute problems, notably in Nairobi. It appeared to be beyond the power of local authorities to solve the problems arising. The situation in Africa could not be compared to that prevailing in cities such as Paris or London. In Africa investment resources were clearly insufficient. Furthermore, in sub-Saharan Africa the average family had six children compared to two and a half in Europe. The problems associated with such large families and subsequent population growth meant that the countries' resources were being exceeded.

24. Mr. WIMER ZAMBRANO emphasized that the phrase "forced legal evictions" was ambiguous from both a linguistic and a legal point of view. In saying that it opposed forced evictions, the Committee was clearly referring to illegal evictions, since legal evictions were a common phenomenon in western Europe. It was therefore necessary to find an appropriate term and it would be interesting to know whether Habitat had tried to clarify a definition.

25. Mr. CEAUSU, reiterating the comments made by Mrs. Jimenez Butragueño, said that in eastern Europe a situation had developed whereby many elderly people had no descendants or close family. As they grew older, especially during the transition to a market economy, the elderly required additional resources, since their retirement pensions were insufficient. Often young people offered to buy their apartments in return for a monthly payment or assistance with their household chores. In certain cases elderly people were mistreated and thrown out into the street by young couples who wished to take over those apartments. Elderly people clearly constituted a category in need of legal and physical protection from the authorities.

26. More disadvantaged still were orphans and handicapped children in public care. Those children who could work on reaching the age of 18 were not provided with alternative accommodation by the authorities. By contrast, they were sometimes thrown out into the street and were clearly in need of urgent assistance from society. Consequently, relevant United Nations recommendations should refer to those two categories.

27. Mr. LUDVIGSEN (Habitat), responding to the issues raised, said that the right to housing differed from the right to food, for example, since the latter was influenced by climatic conditions. Also, by contrast, education demanded public resources. In relation to technical cooperation, Habitat had approached the subject of housing in terms of numbers of accommodation units. Unfortunately, an adequate supply of housing could not be provided by United Nations bodies or through bilateral assistance. In Africa and developing countries, Governments could not provide a sufficient number of accommodation units either. Habitat had therefore tried to promote an

enabling approach whereby national and local authorities assisted community groups and individuals. It was clear that the problems encountered would be greatly reduced if such authorities were to stop harassing their own people. In order to cover the issue of adequate shelter for all, Habitat had adopted a secure tenure campaign, since in many cases local governments failed to understand the need to leave people in peace.

28. Building regulations in Africa had been adopted under the colonial powers. As the cost of building materials was out of the reach of most people under that system, Habitat had promoted differentiation between the codes used for official buildings and those relating to poor people. Problems were further exacerbated by the fact that financial institutions would not lend money for building projects not satisfying strict codes. As regards building materials, Habitat continued to work with local research institutes in Asia, Latin America and Africa. It had acted as a catalyst in that area in order to facilitate the dissemination of the methods used to other countries and regions.

29. The situation in African and Asian countries was very gloomy owing to large population growth and a lack of political will to provide assistance. Habitat had tried to support communities in their development efforts and to encourage national, regional and local authorities to work with community groups. It was uncertain whether Habitat's efforts had a major impact but it had continued to work with NGOs in as many areas as possible. The situation could be compared to that of respect for human rights. Respect for the poorer sections of society was not what it might be but an attempt was being made to change people's views. As regards forced evictions, it was not known whether Habitat had previously discussed the scope of the terms used or attempted to formulate an appropriate definition.

30. Mr. RIEDEL, raising the subject of forced evictions, read out the relevant portion of General Comment No. 7. He said that the prohibition on such evictions did not, however, apply to evictions carried out by force, in accordance with the law and in conformity with the provisions of the international covenants on human rights. The terms used needed careful consideration. Furthermore, the elderly should not be forgotten in relation to the right to housing. Mr. Ludvigsen had stated four parameters which should be read in the light of the fundamental principles underlying them. Those parameters included the mainstreaming of women's rights, the role of civil society and NGOs, and the principle of non-discrimination. Discrimination was evident in individual countries and should be defined in relation to shelter and housing rights.

31. With regard to technical assistance and cooperation, Habitat provided a framework or enabling approach in its policy formulations, which were to be taken up by national and regional authorities, and private funding institutions. Under article 11.2 of the Covenant, member States should take measures individually and through international cooperation, especially economic and technical cooperation. In addition, it was important to clarify the expressions used, for example "to the maximum of available resources" and "progressively". All member States were under an obligation to elaborate on their policy formulations and, where possible, to make contributions at

international level. In deciding which groups received funding, Governments could use Habitat's policy formulations in relation to development assistance for housing.

32. It should be emphasized that at the Expert Meeting on the right to housing held recently, a general understanding had been reached by the different participants, i.e., members of the Committee, Habitat and the Office of the High Commissioner for Human Rights. Finally, it was proposed that support should be expressed for the United Nations Housing Rights Programme. That could be done in the form of a letter, in the final Committee report or in a specific Committee resolution.

33. The CHAIRPERSON suggested that the matter could perhaps be dealt with in Chapter 6 of the Committee's report. It was important to discuss ways of helping countries to develop their own benchmarks and to respond to violations of the right to housing. That could be done in the context of general support for the Optional Protocol acting as a complaints procedure.

34. Mrs. JIMENEZ BUTRAGUEÑO once again emphasized the right to housing of the elderly. That right could be incorporated in directives on the practical aspects of the matter. Since many cities encountered problems, both in Europe and the United States, the issue should be dealt with urgently.

35. The CHAIRPERSON thanked Mr. Ludvigsen for providing an update on the progress of Habitat's work and pledged the Committee's support for that organization.

Discussion of the Proposal for a Workshop on Indicators and the Right to Education (continued)

36. Mr. HUNT thanked the Committee for its earlier comments and contributions, which he would attempt to include as they were not inconsistent with the thrust of the proposal. He thought the word "benchmarks" should be used more often in the proposal and the heading should be changed to "indicators and benchmarks". However, he feared that the duration of the meeting might depend on available funds.

37. He agreed with Mr. Sadi that consultation was essential but he did not think the Committee had to agree on every single aspect if there was agreement on the broad outline, which seemed to be the case. It would then be the Chairperson's responsibility to hold discussions with the prospective collaborators within the agreed framework of the proposal. Referring to an observation that had been made that morning on the wealth of unique experience relating to the right to education indicators that resided in the Committee, he wondered whether Committee members could be allowed to make suggestions in the current session. Although the issue would certainly be revisited in the coming months, it could prove to be a constructive exercise. It might also be expedient, during the current session, to clarify and confirm the Committee's understanding of "indicators" and "benchmarks", which were terms used differently by different bodies. However, he was uncertain as to whether that should take the form of a short, general comment or a few paragraphs for inclusion in the Committee's annual report. He would be willing to draft the paragraphs along with a few other colleagues for subsequent study by the

Committee as a whole later on in the session. The Secretary of the Committee would again be making available a paper that had been prepared for the day of general discussion that had been held in December on indicators and benchmarks in the context of the right to education. He would appreciate the Committee's comments on that paper.

38. The CHAIRPERSON said that, if members were to give personal experiences on key indicators, it required much reflection and she feared that with the busy schedule ahead, such a discussion might not materialize. Consequently, it might be a good idea to hold such a discussion the following day. She asked the Committee for ideas as to the form definitions of the terms "indicators" and "benchmarks" could take.

39. Mr. SADI, referring to paragraph 11 of the "Proposal for a Workshop on Indicators and the Right to Education" (HR/CESCR/NONE/1999/4), in which the Committee requested the Office of the High Commissioner for Human Rights "to consider the possibility of organizing a workshop to identify key right to education indicators", said that the word "possibility" weakened the request. In what he considered to be the operative paragraph, it would be more appropriate to say, for example, that the Committee was recommending or calling on the Office of the High Commissioner for Human Rights, in consultation with treaty bodies and the specialized agencies mentioned, to organize a workshop. The Committee was, indeed, in favour of a workshop and was not simply considering the possibility. He believed the Committee needed to be firmer in its request and wondered whether Mr. Hunt could redraft the paragraph.

40. The CHAIRPERSON said that there was nothing that Mr. Hunt could do as those were words taken from the Committee's already printed report of the previous year. Perhaps Mr. Hunt could rephrase the paragraph without quoting directly from the report. She agreed, however, that the word "possibility" diluted the strength of the request. Turning to Mr. Hunt's proposal to write an explanation of the Committee's understanding of the terms "indicators" and "benchmarks", she asked whether any of the Committee members had ideas regarding what form that could take, as the Committee needed to have an operational definition of the terms.

41. Mr. RIEDEL, reiterating the comment he had made at the previous session, said that the issue was important and that consensus could be reached quickly. It was preferable for the Committee to prepare a general comment and not simply include two paragraphs on the subject in the concluding observations of the session. Although time was short, it would be time consuming to have a discussion the following day without a preliminary text. Perhaps a small, informal group, including Mr. Hunt and other interested persons, could draft the definitions which would then be submitted for the Committee's consideration.

42. The CHAIRPERSON said that Mr. Riedel's suggestion was both methodical and time saving. She inquired whether members of the Committee could provide examples of possible key right to education indicators in order to prepare a preliminary, informal list, without giving definitions. She reminded members that the paper that had been presented on the day of general discussion last December would be made available and would serve as a resource paper on the

meaning of indicators. However, the intention at the moment was to have a rough idea of what Mr. Hunt meant by "indicators" and "benchmarks". The workshop itself would debate what those indicators should be.

43. Mr. HUNT said he hoped the short paper on indicators and benchmarks would be available the next day and asked the Committee members to provide critical comments on it as soon as possible thereafter.

44. Briefly, an "indicator" was an agreed ruler or measure. In the context of education, an indicator could be the literacy rate, the budget allocation for education or enrolment rates. The aim of the workshop would be to agree on a short list of appropriate right to education indicators, after which appropriate benchmarks would be set for different countries. For example, in the case of New Zealand, the benchmark for literacy could be set at 100 per cent. If statistics showed that New Zealand was only achieving 90 per cent literacy, the Committee might say to New Zealand, when it appeared before it, that the country should be aiming for 95 per cent, 98 per cent or 99 per cent within a five-year period. Or, in the case of a less economically developed country, the Committee might find that in practice the literacy rate stood at 40 per cent. The Committee could say to that country, when it appeared before it, that it had noticed that the country's literacy rate was currently at 40 per cent but that it suggested that the country strive for a benchmark of 50 per cent within a five-year period. He was aware that that was a separate discussion on how to use benchmarks but it was merely an attempt on his part to provide concrete examples. To sum up, an indicator was an agreed measure and a benchmark was where the Committee thought it was appropriate for a particular State party to be in relation to that measure. All of that was contained in the paper and if a group of Committee members were to work on clarifying the Committee's operational definition of those terms, then feedback on the paper from the rest of the Committee would be greatly appreciated.

45. The CHAIRPERSON said that the Secretary of the Committee would endeavour to make copies of the paper available the following day.

46. Mr. KOUZNETSOV, referring to Mr. Hunt's examples relating to illiteracy rates, questioned whether there was a direct correlation between literacy rates and degree of compliance with the Covenant.

47. Mr. WIMER ZAMBRANO, agreeing with Mr. Kouznetsov, said that the Committee should be careful about giving specific figures. Quantifying a programme of that type was complicated if it was to be done in a relatively scientific way.

48. The CHAIRPERSON said that the debate was not about specific indicators. It was more of a general discussion on what an indicator could be and not what it should be.

49. Mrs. JIMENEZ BUTRAGUEÑO said that she was more or less clear on what an indicator was. If she had understood correctly, an indicator was an agreed measure or specific data reflecting different aspects of the rights of the Covenant. In education, those indicators could refer, for example, to share of GDP, absenteeism in schools, school attendance or adult literacy. However,

indicators should always be considered within a specific time-frame. For example, how far had a particular country developed since the last report. Personally, she had more difficulty understanding what a benchmark was. Perhaps Mr. Hunt could aid her reflections by proffering additional explanations in that regard.

50. The CHAIRPERSON said she did not want the Committee to enter into a detailed debate at that juncture.

51. Mr. PILLAY said there seemed to be some confusion as to what indicators and benchmarks were. In order to measure a State party's progressive realization of economic, social and cultural rights, firstly there needed to be indicators, such as literacy rates or the portion of the budget allocated to education. Secondly, targets would be set for different countries depending on their level of development. If countries were observed to be underachieving the targets set, then they would be encouraged to aim higher. That was, in effect, how it was decided whether a country was giving effect to the right to education as enshrined in the Covenant and constituted a major step towards measuring attainment of certain economic, social and cultural rights.

52. The CHAIRPERSON, directing the Committee's attention back to the proposal under consideration, said Mr. Hunt had suggested that the Chairperson hold consultations with the other actors involved. However, before such consultations were held, the Committee needed to decide on whether or not it was in favour of the workshop. She would be meeting the following week with the United Nations High Commissioner for Human Rights and at the end of May with other Committee Chairpersons, and those were perfect opportunities for broaching the subject.

53. Mr. RIEDEL said that the Committee should endorse the workshop. Its duration needed to be considered privately prior to the Chairperson's meeting with the High Commissioner. In view of the fact that background papers would have to be prepared, perhaps the workshop could be envisaged for the following year. By way of indication, the Expert Group Meeting on the Practical Aspects of the Human Right to Adequate Housing discussed earlier had had 30 participants, had been co-financed and co-sponsored by two United Nations bodies and had lasted for two days, and that with difficulty.

54. With respect to the proposal on indicators, the analysis could be divided into four stages: firstly, the definition of indicators which required statistics, whether factual or otherwise; secondly, the setting of national benchmarks, which meant what each Member State believed it could attain before the next session; thirdly, the setting of international benchmarks by bodies such as the Committee, by which it would be decided whether the national benchmarks had been too low or unrealistically high; and fourthly, the monitoring exercise, five years later, which would determine whether national-level and international-level benchmarks had been met. Contrary to frequent debate, indicators were value-charged. In other words, they were related to policy issues, such as literacy or budget allocation, which might or might not be relevant to one or another country. Indicators were not legal questions.

55. Mr. WIMER ZAMBRANO said he was under the impression that there had been consensus in the Committee regarding the desirability of holding the workshop for a long time. Perhaps it should be determined who was not in agreement with the workshop.

56. Mr. MARCHAN ROMERO said that he had a concern with reference to paragraph 19, part IV of the "Proposal for a Workshop on Indicators and the Right to Education" (HR/CESCR/NONE/1999/4), where it said that a brief workshop report listing the agreed key indicators and other recommendations would be finalized and adopted. Would these indicators and recommendations be agreed at the workshop or by the Committee? A meeting outside of the Committee should not have the final say on the definitive approval of indicators relating to the Committee. The document did not make it clear. The Committee was willing to cooperate with other bodies but should not send a signal that it was subordinate to other bodies in that regard.

57. Mr. HUNT agreed that it was an important point. Referring the Committee to paragraph 19, part I of the same document, where it said that participants would consider how the key indicators, once agreed upon, might be adopted and utilized by the different treaty bodies, specialized agencies, programmes, and others, he said that it had been his impression that the workshop would agree on a certain number of recommended indicators, which would be persuasive though not definitive. Committee members present at the workshop would return to their committees to discuss the indicators with a view to having them endorsed by the committee concerned.

58. The CHAIRPERSON agreed that that was the best solution and reiterated that the final word would lie with the treaty bodies. However, what was important was the process of coming together to understand how each committee worked and how other treaty bodies viewed the right to education.

59. As to the matter of the financing of the workshop, it had been suggested that, in view of the high cost of organizing such a workshop, assistance would be solicited from the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the United Nations Office of the High Commissioner for Human Rights. However it would be left up to the High Commissioner's Office to play the decisive role.

60. Mr. Hunt had been asked to revise the paper in the light of the discussion by the Committee with a view to producing a working paper. The Committee did not need to approve the workshop because it had already been approved at the previous session. It remained only for the Committee to approve the modalities of the workshop. That was why there was need for informal discussion and for a decision to be reached on the paper, which would then be passed on to other interested parties. She reminded Committee members to submit comments on the two paragraphs relating to benchmarks and indicators which would be provided by Mr. Hunt the following week.

Request for television coverage of the Committee's proceedings

61. Turning to a different matter, the CHAIRPERSON informed members that the Committee Secretary had received a letter from a Mr. Joe Little, an Irish religious and social affairs correspondent for Irish national television,

requesting permission to film the Committee's hearing of Ireland's report to be held on 4 and 5 May 1999. As it was a public meeting, the camera crew could not be barred from entering. However, they could be refused permission to film if either the delegation or the Committee objected to their presence. In answer to Mr. Antanovich's question as to whether there had been a precedent, she answered in the affirmative.

62. Mr. SADI said that since the presence of a camera crew was not forbidden, the Committee should then seek to obtain the view of the State party in question. The Commission on Human Rights had been photographed repeatedly and filming of public meetings should be encouraged.

63. The CHAIRPERSON said that there had also been a precedent of a State delegation objecting to the presence of a television camera.

64. Mr. RIEDEL said that there had recently been a case where there had been no television coverage of a particular meeting and the chairperson had subsequently given a television interview on the key issues raised in the meeting. Personally, he did not object but wondered whether the Irish delegation would object. Publicity should be encouraged as it would help to increase awareness generally and of the country concerned in particular.

65. The CHAIRPERSON said that the Committee Secretary had been instructed to ascertain from the Irish Permanent Mission whether they would object to having their report filmed. The Committee would then align itself with the delegation's position.

66. Mr. AHMED raised the issue of the duration of the filming. If it were too long, he feared that the discussion would be impaired as some persons might be inhibited whereas others might go to the other extreme.

67. The CHAIRPERSON, speaking in a personal capacity, said that she disagreed with having television cameras present in the meeting.

68. Mr. ATANGANA suggested that the Committee should exercise caution in its approach to the delegation, to avoid causing alarm.

69. Mr. GRISSA offered the view that it was irresponsible to place on the Irish delegation the burden of a decision which was really the Committee's province. The delegation's refusal might be construed, on its return to Ireland, as a violation of the freedom of the press, while its consent might place it in an embarrassing position.

70. Mr. ANTANOVICH thought, on the contrary, that the delegation should have the last word, pointing out that while publicity of the Committee's work was important, much more vital was its consultation with the Government of the State party. The television station might well be opposition supporters and use the coverage for political purposes in Ireland to discredit the Government. Another precedent the Committee might wish to set would be to invite the station to help replenish the United Nations coffers by paying for the opportunity to film the Committee at work.

71. The CHAIRPERSON said that her own reticence stemmed less from the fear that Committee members might feel inhibited in their remarks, as from the fact that the television station might manipulate the tapes in a way that might demean both the delegation and the Committee.

72. Mr. MARCHAN ROMERO endorsed the Chairperson's remarks and pointed out that it was the Committee that should establish the rules.

73. Mr. WIMER ZAMBRANO expressed the view that the station should be allowed to cover the meeting, since it would be a public one, from which it would be churlish to exclude the crew. A sense of proportion should prevail: he did not imagine that the station would have such cumbersome equipment as to disturb the normal progress of the meeting, nor that it would wish to film the entire three hours of the meeting on the Irish report. Indeed, the Committee's comments were hardly likely to cause an enormous political upheaval. On the contrary, the Committee should welcome the fact that it was for once the subject of media attention.

74. The CHAIRPERSON suggested that the Secretary of the Committee should inform the Permanent Mission of the request. If it accepted, the station would be allowed in, on certain conditions to be laid down by the Committee.

75. Mr. AHMED said that if there was a consensus within the Committee that permission should be granted, one proviso that could be laid down was that only the first 10 minutes be covered.

76. Mr. RIEDEL pointed out that there were patently differing views within the Committee. One school of thought considered that the request should be granted, in the interests of freedom of the press, which was, after all, entitled to use its information as it saw fit, leaving listeners or viewers free to decide on the objectivity of the coverage.

77. Another considered that the request should be declined for fear that the coverage might not observe the rules of ethical reporting or that the broadcast might present statements out of context, focusing on a particular remark by a Committee member or on some highly polemical issue. In that scenario, one compromise would be to propose to the crew a question-and-answer session with the Chairperson and the delegation prior to the dialogue in the Committee.

78. His own reaction was that the request should be granted and the station allowed to decide what would be broadcast. In his experience of granting televised interviews in his country, he usually laid down the proviso that he should see the clips and agree to the content before the programme was aired. That approach might or might not work. He disagreed, however, with Mr. Ahmed's suggestion, convinced as he was that the television station would not be interested in filming the first 10 minutes of the meeting, which would be taken up exclusively by procedural formalities.

79. Mr. TEXIER, supported by Mr. Antanovich, agreed with Mr. Wimer that the request should be granted in the interest of freedom of the press. Manipulation of any press coverage was always a risk, but he was sure that if misrepresented, the Irish Government possessed the means to defend itself and

that Irish NGOs would also speak up. There was no point in insisting on caveats and provisos, as there could be no guarantee that they would be respected. What was important was the conclusions that the Committee drew from its dialogue with the delegation. Given the generally accepted view that it was in the Committee's interest that its work be publicized, the request should be granted once the Government had agreed to it.

80. Mr. THAPALIA agreed that while the press would publish what was in their own interests, the request under discussion furnished an opportunity for the Committee to receive publicity without any strenuous effort on its part.

81. Mr. SADI said that he was thinking not of Ireland, but of the importance of the Committee's crusade to highlight economic, social and cultural rights and raise public awareness of the Committee's work and of the provisions of the Covenant. The particular country was immaterial, inasmuch as the issues raised in regard to Ireland could apply to virtually all other countries. If some members felt inhibited under the scrutiny of the television cameras, the Committee could surely improvise and rise above it. It would be foolhardy for the Committee to neglect an opportunity of free publicity on its issues.

82. The CHAIRPERSON said that a consensus had been reached to the effect that if the delegation did not object, the Committee would comply.

83. Mr. HUNT said he agreed with that formulation, but on the understanding that the television crew would not be intrusive. It was therefore necessary to obtain not only the Government's agreement, but an understanding from the television station.

84. Mr. RIEDEL, speaking on a point of information in that regard, said that he had recently received from the head of the German delegation that had appeared before the Committee at its previous session a transcript of an extremely interesting one-hour debate in Parliament, based on a request by the PDS Party, on the Committee's concluding observations, which he recommended very highly to Committee members. It should be understood, of course, that since his own country was involved, he would refrain from making any comment or evaluation.

The meeting rose at 5.35 p.m.